

REMARKS

The Official Action dated December 2, 2004 has been received and its contents carefully noted. In view thereof, claims 1, 4 and 6 have been amended in order to better define that which Applicants regard as the invention. Accordingly, claims 1-6 remain pending in the instant application.

Referring now to the Official Action and particularly page 2 thereof, claims 1 and 3 have been rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication JP 10-077835 issued to Masanori. This rejection is respectfully traversed in that the patent to Masanori neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

As can be seen from the foregoing amendments, independent claim 1 recites an air-cooled four-stroke internal combustion engine comprising a crank shaft, a fan rotor adapted to be rotably driven by the crank shaft to generate a cooling air for cooling the engine, an oil pan disposed below the crank shaft, a fuel tank disposed below the oil pan and a space formed between the oil pan and the fuel tank extending in the axial direction of the crank shaft along the lower surface of the oil pan for allowing cooling air to pass therethrough, wherein an upstream portion of the lower surface of the oil pan is inclined upwardly in a vertical section taken along the axis of the crank shaft to receive the cooling air therein. Clearly, the patent to Masanori and particularly Fig. 2 fails to disclose or suggest this feature.

Support for the foregoing amendments can be found in paragraph 31 of Applicants' specification and it is noted from paragraph 34 of Applicants' specification that when the air-cooled four-stroke engine is turned over or started by operating a recoil starter, the crank shaft rotates and the fan rotor is rotationally driven by the crank shaft to send cooling air toward the air-cooled four-stroke engine. A portion A of the cooling air is introduced from

the openings 44 into the space formed below the oil pan 36. The air stream A flows through the space S to forcibly cool lubrication oil in the oil pan located above the space S and the fuel in the fuel tank located below the space S which in turn runs out from the outlet located below the recoil starter. As the Examiner can readily appreciate, the Japanese Patent Publication to Masanori fails to include a fuel tank disposed below the oil pan and further fails to include a space formed between the oil pan and the fuel tank such that both the oil in the oil pan and the fuel in the fuel tank are simultaneously cooled by cooling air passing through the space formed between the oil pan and the fuel tank. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 1 as well as claim 3 which depend therefrom clearly distinguishes over the teachings of Masanori and are in proper condition for allowance.

With further reference to page 2 of the Office Action, claims 1 and 2 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Masanori in view of U.S. Patent No. 4,154,182 issued to Klundt. This rejection is likewise respectfully traversed in that the patent to Klundt does nothing to overcome the aforementioned shortcomings associated with the teachings of Masanori.

That is, the Klundt reference, this reference clearly fails to include an oil pan disposed below the crank shaft of an air-cooled four-stroke internal combustion engine as well as fuel tank disposed below the oil pan such that a space is formed between the oil pan and the fuel tank for receiving cooling air therethrough. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 1 as well as dependent claim 2 is in proper condition for allowance.

Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Masanori in view of U.S. Patent No. 2,575,877 issued to Klier. This rejection is likewise

respectfully traversed in that the patent to Klier further fails to overcome the aforementioned shortcomings associated the patent to Masanori.

As the Examiner can readily appreciate, independent claim 4 has been amended to recite an air-cooled four-stroke internal combustion engine including a crank shaft, a fan rotor to generate a cooling air for cooling the engine, an oil pan disposed below the crank shaft, a fuel tank disposed below the oil pan, a pipe extending in the direction of the axis of the crank shaft to penetrate through the oil pan and lubrication oil contained in the oil pan so as to allow the cooling air to pass therethrough and a space formed between the oil pan and the fuel tank to allow cooling air to pass therethrough. Again, it is respectfully submitted that the patent to Masanori when taken alone or in view of the teachings of Klier clearly fails to remotely disclose these features. Consequently, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 4 clearly distinguishes over the combination proposed by the Examiner and is in proper condition for allowance.

With reference to page 3 of the Office Action, claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Masanori in view of U.S. Patent No. U.S. Patent No. 4,610,228 issued to Fink et al. as well as Klier as applied to claim 4 and further in view of Fink et al. These rejections are respectfully traversed in that the patent to Fink et al. clearly does nothing to overcome the aforementioned shortcomings associated with the teachings of Masanori when taken alone or in view of the teachings of Klier.

Initially, it is noted that claim 5 is dependent upon each of independent claims 1 and 4 and include all the limitations thereof. Accordingly, it is respectfully submitted that claim 5 is now in proper condition for allowance for the reasons discussed hereinabove. Further, it is noted that Fink et al. clearly fails to disclose or suggest positioning a fuel tank below an oil pan such that a space is provided for the passing of cooling air in order to cool the oil within

the oil pan as well as the fuel within the fuel tank. Accordingly, it is respectfully submitted that dependent claim 5 is now in proper condition for allowance.

With further reference to page 3 of the Office Action, claim 6/1 has been rejected under 35 U.S.C. §103(a) as being unpatentable over US 2,650,578 issued to Daub in view of Masanori while claim 6/4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Daub in view of Klier. Each of these rejections are respectfully traversed in that the combination proposed by the Examiner neither discloses nor remotely suggests that which is presently set forth by Applicants' claimed invention.

Initially, it is noted that this rejection is clearly improper in that the Examiner has relied on the Daub reference as the primary reference in rejecting dependent claim 6 which is clearly contrary to the rejection of either independent claim 1 or independent claim 4 from which claim 6 depends. Furthermore, with respect to the rejection of claim 6/4, in that independent claim 4 has been rejected as being unpatentable over Masanori in view of Klier, it is unclear how claim 6, which is directly dependent upon independent claim 4, can now be rejected absent the teachings of Masanori. Accordingly, should this rejection be maintained, it is respectfully requested that the Examiner clarify the rejection as applied.

Regardless of the combination of references set forth by the Examiner, such combinations clearly fail to disclose or remotely suggest that which is presently set forth by Applicants' claimed invention. That is, Daub clearly fails to disclose or remotely suggest positioning a fuel tank below an oil pan such that a space is provided therebetween for the passing of cooling air which cools the oil pan and the lubrication oil contained therein as well as the fuel tank and the fuel contained therein. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in claim 6 clearly distinguishes over the prior art of record and is in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-6 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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